

HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 665 (M/S) of 2003

CIVIL SIDE

Smt. Asha Bahuguna

.....PETITIONER

Versus

Additional District Judge, Dehradun

.....RESPONDENTS

Hon'ble Rajesh Tandon, J.

This writ petition has been filed for a direction to the respondent no.1 to expedite the hearing of Civil Appeal No. 4 of 2003.

Brief facts giving rise to this writ petition are that petitioner has filed a Suit No. 28 of 1990, praying for the eviction of the defendant from house no. 264, Chukhuwala Mohalla, Dehradun treating the defendant as licensee of the premises in dispute. The suit was finally decided on 11.2.2003. Against the said judgment defendant respondent filed an appeal, which was registered as Civil Appeal no. 4 of 2003. The appeal is pending and it has been transferred to the respondent no. 1 for decision.

The suit was filed in the year 1990 and it took about 13 years in reaching its fate in the trial court.

Since the appeal has been preferred in the year 2003 itself, therefore, looking to the pendency of the cases before the Court concerned, it is desirable that application for expeditious disposal can be made before the appellate Court.

Looking to the facts and circumstance of the case, interest of justice requires that the petitioner may approach the District Judge by

filing an application for expeditious disposal before the District Judge, Dehradun. If such an application is filed before him it is expected that the District Judge will dispose of the same with some directions to the Presiding Officer to dispose of the case within certain period.

With the aforesaid observation the writ petition is disposed of.

(Rajesh Tandon, J.)

28.07.2003

Dhyani